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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                  JOSEPH LOCHUCH EWALAN,

CASE NO. C20-5678JLR

11                  Plaintiff,

ORDER

12                  v.

13                  WASHINGTON STATE  
14                  DEPARTMENT OF  
15                  CORRECTIONS, et al.,

Defendants.

16                  Trial in this matter is currently scheduled to begin on January 16, 2024. In light of  
17 the unique complexities presented by this case, including but not limited to Plaintiff  
18 Joseph Lochuch Ewalan's *pro se* and incarcerated status, the court determines that  
19 principles of fairness, justice, and efficiency support a trial continuance in this matter.  
20 Accordingly, the court ORDERS that the trial date shall be continued to **April 22, 2023**.

21                  The court sets forth the new pretrial schedule below. For the benefit of the parties  
22 this expanded schedule includes deadlines that are set by either the Local Civil Rules or

1 the Federal Rules of Civil Procedure but ordinarily do not appear in a scheduling order.  
 2 Matters appearing in bold text indicate deadlines that appeared in a previous scheduling  
 3 order. (*See* 8/22/23 Min. Order (Dkt. # 147).)

|   | <b>Former Deadline</b>      | <b>New Deadline</b>   |
|---|-----------------------------|---|
| <b>Settlement Conference Deadline</b> ( <i>See</i> Local Rules W.D. Wash. LCR 39.1(c)(2).)  | Wednesday, October 18, 2023 | Wednesday, October 18, 2023   |
| Status Conference   | None                        | Monday, October 23, 2023 at 10:30 AM  |
| Expert Disclosure Deadline  | Wednesday, October 18, 2023 | Friday, October 27, 2023<br>( <i>See</i> 10/3/23 Order (Dkt. # 159) at 12.) |
| Rebuttal Expert Disclosure Deadline ( <i>See</i> Fed. R. Civ. P. 26(a)(2)(D)(ii).)  | Friday, November 17, 2023   | Monday, November 26, 2023   |
| Plaintiff's Pretrial Statement ( <i>See</i> LCR 16(h).) Plaintiff shall file and serve his pretrial statement on Defendants' counsel through PACER. | Monday, November 13, 2023   | Monday, January 8, 2023   |
| <b>Motions in Limine</b> ( <i>See</i> LCR 7(d)(4), 7(e)(5).) The parties must confer before filing motions in limine. ( <i>See</i> LCR 7(d)(4).)    | Monday, November 20, 2023   | Monday, January 8, 2024   |
| Responses to Motions in Limine ( <i>See</i> LCR 7(d)(4).)   | Monday, December 4, 2023    | Monday, January 22, 2024  |

|    |  | <b>Former Deadline</b>        | <b>New Deadline</b>                                 |
|----|--|-------------------------------|---|
| 1  | Defendants' Pretrial Statement<br>( <i>See LCR 16(i).</i> )  | Tuesday, November 21,<br>2023 | Monday, January 22,<br>2024                         |
| 2  | Conference of Attorneys<br>Deadline ( <i>See LCR 16(k).</i> )  | Friday, December 1,<br>2023   | Monday, February 5,<br>2024                         |
| 3  | <b>Agreed Pretrial Order</b> ( <i>See LCR 16.1</i> (form of pretrial order).) Defendants shall be responsible for preparation and filing. The parties shall expressly identify any witnesses who are incarcerated in the pretrial order. | Monday, December 11,<br>2023  | Tuesday, February 20,<br>2024                       |
| 4  | <b>Deposition Designations</b> ( <i>See LCR 32(e).</i> )   | Monday, December 11,<br>2023  | To be determined at the 10/23/23 status conference. |
| 5  | Parties' exchange of proposed jury instructions, verdict forms, and special interrogatories. ( <i>See LCR 51(e).</i> )   | Wednesday, December 13, 2023  | Monday, March 4, 2024                               |
| 6  | Instructions Conference<br>Deadline ( <i>See LCR 51(e).</i> )<br>Parties must confer "with the objective of filing with the court one set of agreed-upon instructions, verdict forms, and interrogatories." ( <i>See id.</i> )           | None                          | Monday, March 18, 2024                              |
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|   |  | <b>Former Deadline</b>     | <b>New Deadline</b>      |
|---|--|----------------------------|--------------------------|
| 1 | Deadline to Issue and Serve Witness Subpoenas  | None                       | Monday, March 25, 2024   |
| 2 | <b>Trial Briefs</b>  | Wednesday, January 3, 2024 | Monday, April 1, 2024    |
| 3 | <b>Proposed Voir Dire Questions</b><br>(See LCR 47(a).) Voir dire shall be conducted by the court.   | Wednesday, January 3, 2024 | Monday, April 1, 2024    |
| 4 | <b>Joint Instructions and Joint Statement of Disputed Instructions</b> (See LCR 51(f), (g).) Defendants shall be responsible for preparation and filing. | Wednesday, January 3, 2024 | Monday, April 1, 2024    |
| 5 | <b>Pretrial Conference</b>   | Tuesday, January 2, 2024   | Wednesday, April 3, 2024 |
| 6 | <b>Trial Exhibits Delivered to the Courtroom Deputy</b> (See 8/22/23 Min. Order at 2-3.)   | Thursday, January 11, 2024 | Monday, April 8, 2024    |
| 7 | <b>Jury Trial Begins</b> (estimated 6-day duration)  | Tuesday, January 16, 2024  | Monday, April 22, 2024   |
| 8 |  |                            |                          |

19 These are firm dates that can be changed only by order of the court, not by  
 20 agreement of counsel or parties. The court will alter these dates only upon good cause  
 21 shown: failure to complete discovery within the time allowed is not recognized as good  
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cause. Although the court can afford some leeway to *pro se* litigants, Mr. Ewalan is nevertheless responsible for complying with case deadlines, the Federal Rules of Civil Procedure, and the Western District of Washington's Local Rules. In particular, Defendants informed the court that Mr. Ewalan has indicated that he will not sign any joint filings. (See Status Report (Dkt. # 146) at 2.) The parties are expected to cooperate in timely filing joint submissions pursuant to this scheduling order.

Mr. Ewalan and Defendants' counsel are directed to cooperate in preparing the final pretrial order in the format required by LCR 16.1, except as follows. The original and one copy of the trial exhibits are to be delivered to the courtroom deputy by no later than the deadline for delivering trial exhibits. Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs. Each exhibit shall be clearly marked. Plaintiff's exhibits shall be numbered consecutively beginning with 1; Defendants' exhibits shall be numbered consecutively beginning with A-1. Duplicate documents shall not be listed twice: once a party has identified an exhibit in the pretrial order, any party may use it.

The parties must be prepared to begin trial on the date scheduled, but it should be understood that the trial may have to await the completion of other cases. Should this case settle, the parties shall notify Ashleigh Drecktrah at Ashleigh\_Drecktrah@wawd.uscourts.gov as soon as possible.

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1 Dated this 16th day of October.

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JAMES L. ROBART  
United States District Judge